

HOUSE No. 349

By Mr. Falzone of Saugus, petition of Mark V. Falzone relative to the retirement benefits of certain employees of the Department of Youth Services. Public Service.

The Commonwealth of Massachusetts

In the Year Two Thousand and Five.

AN ACT FURTHER REGULATING THE RETIREMENT BENEFITS OF CERTAIN
DEPARTMENT OF YOUTH SERVICES EMPLOYEES.

*Be it enacted by the Senate and House of Representatives in General
Court assembled, and by the authority of the same, as follows:*

1 SECTION 1. Subdivision (3) of section 21 of Chapter 32, as
2 amended by section 1 of chapter 17 of the acts of 1997, is hereby
3 further amended by inserting after paragraph (f) the following
4 paragraph:—

5 (g) the review and analysis of information required under
6 section twenty-six A as it relates to the employees contribution
7 rate changes and benefit changes under said section 26A. Such
8 analysis shall focus on the contributions made by members and
9 the normal cost of benefit, plus any other liabilities determined by
10 the actuary to be a result of such benefit changes under said
11 section 26A. Beginning January first, two thousand and four and
12 every five years thereafter, the actuary shall forward to the respec-
13 tive system such analysis.

1 SECTION 2. Paragraph (b) of subdivision (1) of section
2 twenty-two of said chapter 32, is hereby amended by adding after
3 the words “July first nineteen hundred and ninety-six” the last
4 time they appear the following words “; and withhold on each
5 payday twelve percent of the regular compensation of each
6 employee who is eligible to receive benefits provided for pursuant
7 to section twenty-six A of this chapter.

1 SECTION 3. Chapter 32 of the General Laws is hereby amended
2 by inserting after section twenty-six the following section:—

3 Section 26A. (1) As used in this section, the following words
4 shall, unless the context otherwise requires, have the following
5 meanings:—

6 “Public Safety Officer” an employee of the Department of
7 Youth Services employed as a Youth Service Case Worker I,
8 Youth Service Case Worker II, Youth Service Transportation
9 Officer 1 and 2, and Group Worker 1,2, and 3.

10 (2) Any public safety officer shall be retired by the appropriate
11 retirement board upon his attaining age sixty-five; provided that
12 any such public safety officer who has performed service as a
13 public safety officer for not less than twenty years but including
14 creditable service granted by paragraph (h) of subdivision (1) of
15 section four and who has not attained the age of sixty-five may
16 elect to retire pursuant to the provisions of this subdivision.

17 (3) Upon retirement under the provisions of this subdivision, a
18 member shall receive a retirement allowance to become effective
19 on the date of his retirement. Payments under such retirement
20 allowance shall be made as provided for in sections twelve and
21 thirteen and the normal yearly amount thereof shall be equal to
22 sixty percent of the average annual rate of his regular compensa-
23 tion received by such member during any period of three consecu-
24 tive years of creditable service for which such rate of
25 compensation was the highest, or on the average annual rate of
26 regular compensation received by such member during the period
27 or periods, whether consecutive or not, constituting his last three
28 years of creditable service preceding his retirement, whichever is
29 the greater, provided, that the total amount of the allowance shall
30 be increased by one-twelfth of three percent for each full month of
31 service in excess of twenty years of service; provided, however,
32 that such retirement allowance shall in no case exceed seventy-
33 five percent of such regular compensation. Any such member
34 retired under the provision of this subdivision who is a veteran as
35 defined in section one shall receive an additional retirement
36 allowance of fifteen dollars for each year of creditable service or
37 fraction thereof; provided, that the total amount of said additional
38 retirement allowance shall not exceed three hundred dollars in
39 any case.

40 (4) Sections five, six, eight and sixteen, subdivisions(1) to (3),
41 inclusive, of section ten, and all other provisions of sections one

42 to twenty-eight, inclusive, which are inconsistent with any provi-
43 sions of this section, shall not apply to any member so classified
44 under this section.

45 (5) The actuary, acting under the provisions of paragraph (g) of
46 subdivision (3) of section twenty one, shall require each board to
47 obtain certain information from each member eligible for the
48 retirement benefit under this section, including the name, date of
49 birth, prior contribution rate, date of hire and any other informa-
50 tion required by the actuary for the purposes of the report required
51 under said paragraph (g).

1 SECTION 4. Any member of a retirement system who meets
2 the definition of public safety officer as defined by section
3 twenty-six A of chapter thirty-two on the effective date of this act
4 may elect in writing to participate in the alternative public safety
5 retirement benefit provided under said section twenty-six A within
6 one hundred eighty days of the date this act takes effect. Any such
7 election shall become effective on the first day of pay period next
8 following such election, and shall constitute a waiver of any
9 retirement benefits provided under section five or section ten of
10 chapter thirty-two. Any member making such an election shall be
11 required to make a minimum of three years of retirement contribu-
12 tions at the rate of twelve percent; provided, however that if said
13 member chooses to retire before he has made said three years of
14 contributions at twelve percent, said member shall pay into the
15 annuity savings fund or have deducted from his retirement
16 allowance an amount equal to the contributions that would have
17 been made had such member remained in service for three years at
18 the rate of regular compensation from which he retired. The elec-
19 tion by an eligible member to participate in the alternative public
20 safety retirement benefit provided for under said section twenty-
21 six A shall be irrevocable.